

**CALIFORNIA COASTAL COMMISSION**

89 SOUTH CALIFORNIA STREET, SUITE 2000  
VENTURA, CA 93001  
VOICE (805) 585-1800  
FAX (805) 641-1732



**W10**

**SOUTH CENTRAL COAST DEPUTY DIRECTOR REPORT**

**FEBRUARY 8, 2023**

**CORRESPONDENCE**



## Chatten-Brown, Carstens & Minter LLP

Hermosa Beach Office  
Phone: (310) 798-2400

2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
www.cbcearthlaw.com

Douglas P. Carstens  
Email Address:  
[dpc@cbcearthlaw.com](mailto:dpc@cbcearthlaw.com)  
Direct Dial:  
310-798-2400 Ext. 1

February 2, 2023

By E-mail: [SouthCentralCoast@coastal.ca.gov](mailto:SouthCentralCoast@coastal.ca.gov)

California Coastal Commission,  
South Coast District Office  
California Coastal Commission

**Re: Objection to Certification of Modifications to County of Los Angeles  
Land Use Plan Amendment (No. LCP-4-MMT-19-0166-1) For the Santa  
Monica Mountains Segment of the County's Coastal Zone; Agenda  
number W10- Director's Report- Wednesday, February 8, 2023**

Honorable Commissioners:

As the Commission is aware, this matter returns to you after the Superior Court, on September 26, 2017, issued a writ of mandate in *Ramirez Canyon Preservation Fund [RCPF] vs. Coastal Commission*, Los Angeles Superior Court Case No. BS 149044 (see Exh. 2 to Staff Report). The writ required modifications to certain provisions of the LUP and LIP, particularly those that allowed low impact camping in ESHA, which the Plans denominated as SERA -- H1, H2 and H3. The basis for the Court's ruling was that certain provisions were not sufficiently protective of ESHA resources.

On behalf of RCPF, we objected to the recommendations the Commission made for changes to the LUP in our letter dated July 5, 2021 (Enclosure 1) and to the County's April 2022 amendments (Enclosure 2). We reiterate those objections, and ask that you not certify the County's most recent amendments. We urge you to reject the proposed modifications, and instead approve the LUP and LIP amendments as the County had approved them originally and as is consistent with the Coastal Act and the trial court's order.

Sincerely,

A handwritten signature in blue ink that reads "Douglas P. Carstens".

Douglas P. Carstens

Enclosure: July 5, 2021 Letter to Commission  
April 14, 2022 Letter to County

**ENCLOSURE 1**



## Chatten-Brown, Carstens & Minter LLP

**Hermosa Beach Office**  
Phone: (310) 798-2400  
**San Diego Office**  
Phone: (858) 999-0070  
Phone: (619) 940-4522

2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
www.cbcearthlaw.com

**Douglas P. Carstens**  
Email Address:  
[dpc@cbcearthlaw.com](mailto:dpc@cbcearthlaw.com)  
Direct Dial:  
310-798-2400 Ext. 1

July 5, 2021

*By E-mail*

California Coastal Commission,  
South Coast District Office  
California Coastal Commission

**Re: Comments Regarding Staff-Recommended LIP Modifications to County of Los Angeles Land Use Plan Amendment (No. LCP-4-MMT-19-0166-1) For the Santa Monica Mountains Segment of the County's Coastal Zone; Support for LUP Approval; Agenda number W11a-Wednesday, July 7, 2021**

Honorable Commissioners:

As the Commission is aware, this matter returns to you after the Superior Court, on September 26, 2017, issued a writ of mandate in *Ramirez Canyon Preservation Fund vs. Coastal Commission*, Los Angeles Superior Court Case No. BS 149044 (see Exh. 2 to Staff Report). The writ required modifications to certain provisions of the LUP and LIP, particularly those that allowed low impact camping in ESHA, which the Plans denominated as SERA -- H1, H2 and H3. The basis for the Court's ruling was that certain provisions were not sufficiently protective of ESHA resources. (See Staff Report, p. 2 and Exh. 2.)

The County worked long and hard to draft amendments to the LUP and LIP that complied with the writ -- allowing low impact camping while minimizing the potential impacts to H1, H2 and H3 habitat to the greatest extent feasible. Commission Staff is now suggesting modifications to the County's modifications that would undo both the letter and the spirit of the Coastal Act, the Court's Decision, and the County's actions. Ramirez Canyon Preservation Fund (RCPF) respectfully submits the following comments, to call your attention to the specific provisions at issue.

**A. Under the Circumstances, The Matter Should be Continued to Allow Sufficient Time for Public Examination and Comment.**

Several of the staff's proposals constitute major changes to the County's modifications. In addition, staff used two methods of strike outs (in different colors) and two methods of underlining (single and double) to demonstrate the text changes by the County, on the one hand, and the Commission, on the other. On the screen, the changes are difficult to analyze. In print, they are undecipherable.

The Fund respectfully submits that there is no rush. Consideration of these amendments have been pending since 2017, when the Court issued its tentative decision, and then adopted it as its final decision and issued the writ. The County certified its proposed amendments to the Commission in 2019. The Commission initially examined the County's amendments, and then – on April 23, 2020, continued the matter for more than a year. Then, on the eve of a long holiday weekend, staff issued its report.

For these reasons, the matter deserves more time and attention – by the Commissioners, by the County, by the Fund, and by the public. The Fund respectfully requests that the Commission continue the hearing at least until its next meeting.

**B. The Proposed Modifications Do Not Comport with Either the Letter or the Spirit of the Court's Ruling.**

Please pay particular attention to pages 14-16 of the decision. The trial court found that low impact camping – in the abstract – might be considered a resource dependent use of ESHA. However, the trial court also found that the SMM LCP violated the heightened protection granted ESHA by the Coastal Act, citing Public Resources Code section 30240 which requires that ESHA “**shall be protected against any significant disruption of habitat values.**” The trial court also confirmed that, in the event of a conflict between policies, resource protection takes precedence over public access. (Pub. Resources Code §30007.5).

The primary problem identified by the Court was that, while the LUP and LIP gave lip service to protecting ESHA, those plans attempted to re-write the Coastal Act by requiring protection only to the maximum extent feasible, and allowing disruption if it was not feasible to avoid it. The County deleted the allowance for disruption where it was “not feasible to avoid it,” and added the statutory requirement that ESHA be protected against any significant disruption of habitat. The County also left in place the provision for avoiding that disruption to the “maximum extent feasible. Commission staff does not propose any modification to the general language. However, staff has suggested modifications to specific provisions which derail those standards.

Therefore, the Fund respectfully disagrees with staff's statements that the modifications are "necessary to ensure that the proposed LIP amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended." (Staff Report., p. 1; see, also, p. 3: "[o]nly as amended will the LUP meet the requirements of, and be in conformity with, the policies of Chapter 3 of the Coastal Act," and the Court's order.) The County's modifications fully comply with the Coastal Act, and the Court's decision. Thus, the County's modifications to the LIP should be adopted as proposed rather than made less protective of coastal resources and made less safe.

1. **Staff's Description of Modification No. 1 (LIP, sec. 22.44.630, Definitions) Is Not Accurate.**

At page 3, the Staff Report states that "Suggested Modification No. 1 would *restore* the list of potential associated support facilities from the certified low-impact campground definition *that was proposed to be removed* by the County's amendment." (Emphasis added; see, also, p. 29, which suggests that the County removed support facilities.) The statements give a warped perception of what occurred. The County did not propose to remove the list of support facilities from the LIP. The County moved the list of support facilities from Section 22.44.630 to Section 22.44.1920 – and Commission staff has left that change in place. However, as demonstrated below, Commission staff is suggesting major revisions to the support facilities set forth by the County in Section 22.44.1920.

2. **Commission Staff's Suggested Modification to the LIP, Section 22.44.1920.M, 2, c, ii, Allows More Support Facilities in H1 and H2 Habitat Than Would the County.**

Staff suggests a modification to the introductory language of this subsection. The modification, while seemingly innocuous, changes the County's ESHA-protective provisions.

As modified by the County, the introductory language of Section 22.44.1920.M.2.c.ii stated that the support facilities listed in that subsection could be provided for low-impact campgrounds, consistent with certain standards. Staff suggests the following modification:

**ii. Where the following support facilities for ~~low-impact campgrounds~~ may be supported by the following facilities, and if established, are proposed in H1 or H2 habitat areas, they must be consistent with the included standards:** (Staff Report, p. 12, bold added.)

At first glance, the modification may appear simply grammatical. However, on closer examination, the change is significant. The County did not recommend

“proposing” support facilities in H1 and H2 habitat. The County recommended support facilities that could be located outside of those protected areas. Commission staff’s suggested modification has the effect of allowing proposals for a long list of support facilities in H1 and H2 from the outset of the permitting process. That sets the stage for significant invasions of ESHA.

3. **Staff Proposes to Reduce the County’s 100-Foot Buffer for ESHA to a Mere 50-Foot Buffer.**

The first version of the County’s LIP provided for a minimum 50-foot buffer between low impact campgrounds and the top bank of all streams or from the outer edge of riparian vegetation. In response to the Court’s ruling, the County increased that minimum buffer to 100-feet. Suggested Modification 2 reduces the County’s minimum 100-foot buffer back to the original 50-feet (Sec. 22.44.1920M, 2c).

Staff claims that the 50-foot buffer can serve to protect stream and riparian ESHA as long as the restrooms are required to be set back 100 feet (Staff Report, p. 26). However, other than that conclusory statement, staff offers no evidence to support the assumption.

Moreover, one of the other modifications suggested by staff (see Sec. 4, *infra*), reveals just how significant the disruption of stream and riparian ESHA could be. Unlike the County, Commission staff would allow permanent foundations and plumbing for restrooms in H3 habitat. If the low impact camp is permitted in H2 or H2 habitat within 50 feet of the stream, and the ESHA outside the 50-foot perimeter is H3 ESHA, a restroom with a permanent foundation and plumbing (requiring grading and trenching) could be allowed just outside 50 feet of the stream of riparian ESHA. That scenario sets the stage for the significant disruption of ESHA.

There is no precedent for a 50-foot buffer rather than a 100-foot buffer anywhere in the LUP or LIP. ESHA is protected by a 100-foot buffer in multiple provisions of the LUP and LIP. The LUP Biological Resources Map (Map 2) depicts H1 Habitat with 100-foot buffers. For the LIP to allow mere 50-foot buffers where the LUP provides for 100-foot buffers to protect ESHA would render the LIP inconsistent with LUP.

4. **Staff Proposes Significant Intrusions Into H3 Habitat.**

Two of staff’s suggested modifications fail to protect H3 habitat areas, which are recognized habitat that has been degraded but could be restored in the future. The Coastal Act protects all habitat areas, including degraded habitat. (*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 507 [determining that Coastal Act section 30240 protects “the area of an ESHA,” not just “habitat values”].) The County

took this rule into consideration when it modified the LIP. Commission staff would undo its application in two important areas:

First, while restroom support facilities may not be affixed to a foundation and may not have associated plumbing infrastructure, Commission staff would allow foundations and plumbing outside of H1 and H2, i.e., in H3. (Staff Report, p. 12, LIP 22.44.1920, M, 2, c, ii.) As demonstrated in the preceding section, the construction necessary to install them would significantly damage H3 ESHA, and under certain scenarios, H1 and H2 ESHA as well.

Second, the County's modifications required water storage tanks for fire suppression and allowed 55-gallon potable water containers within the boundaries of an established campsite. Like the County's approach to restroom facilities, these water supplies cannot be permanently affixed to the ground or other permanent structure, and there can be no associated plumbing facilities. Commission staff suggests that these limitations should not apply outside of H1 and H2 (Staff Report, p. 12, LIP 22.44.1920, M, 2, c, ii.) That would allow significant disruption of H3 ESHA, also in violation of Public Resources Code Section 30240.

**5. The Proposed LIP Would Allow Non-ADA Parking in H2 Habitat Areas.**

We object to non-ADA parking in H2 habitat areas, which is contemplated by the LIP in section 22.44.1920. Grading and paving of parking lots would be a significant disruption of ESHA in violation of the trial court's order.

**6. Staff Proposes to Add Back "Fire Proof Cooking Stations." As Defined, Those Stations Do Not Appear to Exist.**

As the Commission is aware, chaparral is the most common type of ESHA located in the Santa Monica Mountains and it is the most flammable ESHA in the world. There is no question that fire can result not only in "significant disruption" of ESHA, but its destruction – as evidenced by recent fires in the area.

When the County took the list of "support facilities" from then LIP 22.44.630 (see text in Modification 1), and revised those support facilities under the heading "Development Standards" in LIP 22.44.1920, the County deleted the provision allowing for "fire-proof cooking stations." Staff's suggested Modification No. 2 adds them back in:

- Fireproof Cooking Stations. Fireproof cooking stations may be installed for use at low-impact campgrounds but are limited to one per tent site and full instructions for their operation shall be provided. Campers would be required to utilize only designated fireproof cooking stations provided at



each approved campsite, which shall be designed of nonflammable materials and capable of being enclosed vertically on three sides (leaving one side open for cooking operations). Only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, are allowed. Use of any type of liquid fuel (alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc), canister fuel (propane, butane, etc), wood, wax or any other type of combustible material for cooking or lighting shall be expressly prohibited. Prospective campers shall be informed of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. Signs shall be posted to explain the “no flame” policy and low-impact campgrounds will be periodically patrolled to enforce the policy.

The problem with staff’s modification is that it does not appear that the type of apparatus (a “fireproof cooking station”) contemplated by staff exists. Other than repeating the phrase “fire-proof cooking station” several times in the Staff Report, there is no description of what is allowed – the description focuses on what is not allowed. It is also far too vague when it attempts to describe how one of these devices might work.

A cooking device enclosed vertically on three sides – leaving one side open for cooking operations – suggest that the open side will give access to some type of burner, which generates heat without flame. At the same time, however, the provision bans the use of “alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc, canister fuel (propane, butane, etc), wood, wax or any other type of combustible material” – components that might generate heat. Battery operated lanterns do exist, and pose little danger of ignition. However, we were unable to find a similar battery-operated product for cooking. The only battery-operated camp cookstove we could locate generates a flame. See, e.g.: <https://www.fastcompany.com/3056990/this-battery-powered-camping-stove-uses-the-lowest-tech-fuel-around-twigs>.

A thorough search of the web - focused on flameless cooking, or fire proof cooking – demonstrates that the only type of device that is truly flame free consists of a container (metal or plastic) into which water and a “heat pack” are placed. The heat pack is chemical based, and generates sufficient heat in the container to warm a MRE or dehydrated meal. These are not items that are “installed” or “affixed” to anything so no cooking station is necessary. They are easily carried in and carried out by low impact campers and used inside a tent. See, e.g., the following:

<https://www.amazon.com/Barocook-Rectangular-Flameless-Cookware-System/dp/B0124LAV3I>

<https://www.amazon.com/Old-Faithful-Flameless-Portable-Cooking/dp/B01MRA0NEL>

<https://www.outdoorlife.com/blogs/wringer/gear-review-flameless-portable-cooking-systems-backcountry-camping/>

<https://newatlas.com/trekmates-flameless-stove/23366/>

<https://newatlas.com/yabul-cook-flameless-camping-cooker/53004/>

The Fund respectfully submits that, given the threat that fire poses to ESHA, as well as people and property, if staff is aware of any device that actually meets the description it has set forth, that device should be called out and mandated. Otherwise, so-called fireproof cooking stations should be removed from staff's recommendations, as the County removed these stations from its list of support facilities. There is no room for vagueness with something as devastating as fire.

#### **7. Camping on Red Flag Days and Inspections of Campsites**

The threat of destruction of ESHA by fire is also apparent in staff's proposed modifications to regulations regarding red flag days and inspections. When the County modified the LIP after the Court's order, it prohibited camping on red flag days and required camp management to inspect the sites daily. See County Section 22.44.1920M.2.i:

Camping is prohibited when hazardous conditions exist (e.g., when "red-flag" wildfire warnings or flash flood warnings are issued by the National Weather Service.

Campground management staff shall inspect the low-impact campground at least once per day, including on red flag days when camping is otherwise prohibited.

Commission staff suggests deleting those mandatory provisions, and replacing them with a watered-down version, shifting to the permittee the decision about both when camping should be allowed on red-flag days and how often inspections should occur:

The plan shall include a campground-specific inspection plan with criteria for how frequently campground management staff shall inspect the campground and shall include a system to determine when camping will be prohibited in relation to "red-flag" wildfire warning days or other emergency conditions. (Staff Report, p. 13.)

Staff suggests that inspection and monitoring requirements could be based on “how remote the given campground area is.” (Staff Report, p. 31.) However, in terms of saving ESHA from fire, the more remote the area, the more important it is to require daily inspections. In remote areas, a significant amount of ESHA could be consumed before the fire became obvious to other campers or to firefighters. Therefore, for both protection of ESHA and public safety, the County’s mandatory inspection provisions should apply.

**C. Conclusion**

With regard to Cooking Stations, Staff recommends the allowance of so-called “Fireproof Cooking Stations” outside H1 and H2 habitat areas, and recommends allowing restrooms outside of H1 and H2 habitat areas. Allowing restrooms and cooking stations in such degraded habitat areas would prevent their restoration in the future. Furthermore, allowing cooking stations of any type in very high fire hazard areas, including H3 habitat, is unsafe and should not be forced upon the County.

The only lawful manner in which to comply with the Coastal Act and the trial court’s order is to provide that no disruption is allowed, and resource dependent uses are only allowed if they do not disrupt ESHA.

We urge you to reject the proposed modifications, and instead approve the LUP and LIP amendments as the County has approved them and as is consistent with the Coastal Act and the trial court’s order.

Sincerely,



Douglas P. Carstens

**ENCLOSURE**



## Chatten-Brown, Carstens & Minter LLP

**Hermosa Beach Office**  
Phone: (310) 798-2400  
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Phone: (858) 999-0070  
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2200 Pacific Coast Highway, Suite 318  
Hermosa Beach, CA 90254  
www.cbcearthlaw.com

**Douglas P. Carstens**  
Email Address:  
[dpc@cbcearthlaw.com](mailto:dpc@cbcearthlaw.com)  
Direct Dial:  
310-798-2400 Ext. 1

April 14, 2022

*By E-mail*

Board of Supervisors  
Honorable Hilda L. Solis ([firstdistrict@bos.lacounty.gov](mailto:firstdistrict@bos.lacounty.gov))  
Honorable Holly J. Mitchell ([HollyJMitchell@bos.lacounty.gov](mailto:HollyJMitchell@bos.lacounty.gov))  
Honorable Sheila Kuehl ([Sheila@bos.lacounty.gov](mailto:Sheila@bos.lacounty.gov))  
Honorable Janice Hahn ([fourthdistrict@bos.lacounty.gov](mailto:fourthdistrict@bos.lacounty.gov))  
Honorable Kathryn Barger ([Kathryn@bos.lacounty.gov](mailto:Kathryn@bos.lacounty.gov))  
County of Los Angeles  
500 W. Temple Street  
Los Angeles, CA 90012

**Re: Coastal Commission's Suggested Modifications to County of Los Angeles Land Use Plan Amendment For the Santa Monica Mountains Segment of the County's Coastal Zone; April 19, 2022 Agenda; Project No. 2019-000224-(3); Advance Planning Project No. RPPL2019000396**

Honorable Supervisors:

In September of 2021, your Board adopted revisions to your Local Coastal Program (LCP) to regulate low impact camping in the Santa Monica Mountains. You did so in response to a decision by the Los Angeles Superior Court in *Ramirez Canyon Preservation Fund vs. Coastal Commission*, Los Angeles Superior Court Case No. BS 149044. Together with your Planning Department, you drafted that Ordinance to minimize the potential impacts of the camp sites in H1, H2 and H3 habitat to the greatest extent feasible. You also imposed regulations on camp operators to minimize, to the greatest extent feasible, the risk of fire that is inherent in camping activities.

Now, the Coastal Commission has suggested that you undo all your hard work by modifying your LIP. In fact, the Commission's many modifications would result not only in potentially significant impacts to environmentally sensitive habitat areas (ESHA) - particularly riparian ESHA -- but that would greatly increase the risk of fire.

The Commission’s markup, which is attached to your staff report, makes it very difficult to understand the significant ways in which the Commission’s suggestions would operate. The Commission’s suggestions are not limited to only “two modifications,” as stated in the Staff Report. Therefore, we have attached to this letter a copy of your LIP – after your response to the Court’s decision, but before the Commission’s changes – so that you can compare the two. For all the following reasons, the Ramirez Canyon Preservation Fund (“Fund”) respectfully requests that you reject each of the Commission’s proposed modifications, and instead invoke the power given to you, as a local agency, by the Coastal Act – to have the final say about the content of your LCP.

In addition, the Fund respectfully requests that, as you consider the Commission’s suggestions – and what is at stake - you keep several fundamentals in mind. Chaparral is the most common type of ESHA located in the Santa Monica Mountains and it is among the most flammable ESHA in the world. There is no question that fire can result in total destruction of ESHA, and has devastating impacts on the flora, fauna, residents of, and visitors to the Santa Monica Mountains. The Woolsey Fire burned across the Santa Monica Mountains, from the 101 Freeway to the Pacific Ocean in a single day.

**A. The Commission’s Modifications Would Take Away the County’s Requirements to Ban Camping on Red Flat Days and to Require Daily Inspections, and Instead Leave those Decisions to a Future Camp Permittee.**

The County recognized the threat of fire to ESHA, and everything and everyone around it, by expressly prohibiting camping on red flag days. The County also required camp management to inspect the sites daily. The County’s LIP Section 22.44.1920.M.2.c.i provides:

Camping is prohibited when hazardous conditions exist (e.g., when “red-flag” wildfire warnings or flash flood warnings are issued by the National Weather Service.

Campground management staff shall inspect the low-impact campground at least once per day, including on red flag days when camping is otherwise prohibited.

(Ord., p. 4 [section 22.44.1920.M.2.c.i.)

Despite the known fire danger, the Commission deleted the County’s mandatory provisions and replaced them with a watered-down provision, shifting to permittees the key decisions about both when camping should be allowed on red-flag days and how often inspections should occur:

The plan shall include a campground-specific inspection plan with criteria for how frequently campground management staff shall inspect the campground and shall include a system to determine when camping will be prohibited in relation to “red-flag” wildfire warning days or other emergency conditions. (Commission Staff Report, p. 13.)

The provision makes no sense. Many activities far less risky than camping are prohibited on red flag days. (See <https://www.fire.ca.gov/programs/communications/red-flag-warnings-fire-weather-watches/> [no mowing or trimming case; caution against pulling over vehicle in grass].) And with respect to inspections, the Commission’s rationale is entirely counter-intuitive. According to Commission staff, inspection and monitoring requirements could be based on “how remote the given campground area is” (Commission Staff Report, p. 31). That implies that staffing issues are more important than resource protection and public safety. In terms of fire risk, the more remote the area, the more important it is to require daily inspections. In remote areas, a significant amount of ESHA could be consumed before a fire became obvious to other campers or to residents or firefighters. Therefore, for both protection of ESHA and public safety, we respectfully request that the reject the Commission’s proposed modifications to LIP provisions for camping on red flag days and campsite inspections.

**B. The Commission’s Suggested Modifications Would Allow So-Called “Fire Proof Cooking Stations” Which the County Intentionally Deleted from the LIP.**

The County did not allow for any type of cooking facilities in low impact campsites. The Commission’s modifications propose allowing so-called “fire proof cooking stations.” There is no way to know what those might be, because the Commission has described them in terms of what they are not, but has not explained what they are, how they work, whether they are safe, or even if they exist at all. The introduction of this confusion into the language of the LIP will undoubtedly increase the risk of fire in the Santa Monica Mountains

The County intentionally deleted a provision allowing “fire-proof cooking stations” when the County revised the list of “support facilities” from then-LIP 22.44.630 (see text in Modification 1 under the heading “Development Standards” in LIP 22.44.1920). The Commission’s suggested Modification No. 2 would add them back in, with the following provision:

- Fireproof Cooking Stations. Fireproof cooking stations may be installed for use at low-impact campgrounds but are limited to one per tent site and full instructions for their operation shall be provided. Campers would be required to utilize only designated fireproof cooking stations provided at

each approved campsite, which shall be designed of nonflammable materials and capable of being enclosed vertically on three sides (leaving one side open for cooking operations). Only cold-camping apparatus with no open flames, such as flame-less cook-stoves and lanterns, are allowed. Use of any type of liquid fuel (alcohol, kerosene, unleaded gasoline, white gas, mentholated Spirit, etc), canister fuel (propane, butane, etc), wood, wax or any other type of combustible material for cooking or lighting shall be expressly prohibited. Prospective campers shall be informed of the “no flame” policy upon reserving and/or registering for use of low-impact camping facilities and shall be put on notice that unauthorized use of fire-related camping and cooking apparatus specifically prohibited by the “no flame” policy will be cause for confiscation of such devices and/or expulsion of visitors from low-impact camp facilities. Signs shall be posted to explain the “no flame” policy and low-impact campgrounds will be periodically patrolled to enforce the policy.

The problem with the Commission’s modification is that it does not appear that the type of apparatus contemplated by staff exists. The suggestion is also extremely vague in its attempt to describe how one of these devices might work.

A cooking device enclosed vertically on three sides – leaving one side open for cooking operations – suggests that the open side will give access to some type of burner, which generates heat without flame. However, the provision bans the use of “alcohol, kerosene, unleaded gasoline, white gas, mentholated spirit, etc, canister fuel (propane, butane, etc), wood, wax or any other type of combustible material” – components that might generate heat.

Our research found that battery operated lanterns do exist, and pose little danger of ignition. However, we were unable to find a similar battery-operated product for cooking. The only battery-operated camp cookstove we could locate generates a flame.

See, e.g.: <https://www.fastcompany.com/3056990/this-battery-powered-camping-stove-uses-the-lowest-tech-fuel-around-twigs>.

A thorough search of the web - focused on flameless cooking, or truly fire proof cooking – demonstrates that the only type of device that is entirely flame free consists of a container (metal or plastic) into which water and a “heat pack” are placed. The heat pack is chemical based, and generates sufficient heat in the container to warm a MRE or dehydrated meal. These are not items that are “installed” or “affixed” to anything. They are easily carried in and carried out by low impact campers. See, e.g.:

<https://www.amazon.com/Barocook-Rectangular-Flameless-Cookware-System/dp/B0124LAV3I>



<https://www.amazon.com/Old-Faithful-Flameless-Portable-Cooking/dp/B01MRA0NEL>

<https://www.outdoorlife.com/blogs/wringer/gear-review-flameless-portable-cooking-systems-backcountry-camping/>

<https://newatlas.com/trekmates-flameless-stove/23366/>

<https://newatlas.com/yabul-cook-flameless-camping-cooker/53004/>

The Fund respectfully submits that, given the threat that fire poses to ESHA, as well as to people and property, if there is any device that actually meets the description, that device should be called out in the language of the LIP, and only that device should be allowed. Otherwise, so-called “fireproof cooking stations” should be rejected because there is no room for vagueness with something as devastating as fire.

### **C. The Commission Would Roll Back the Many Environmental Protections Ensured by the County’s LIP**

The Commission also suggests that the County reduce its protections for Environmentally Sensitive Habitat Area (ESHA). For example, the County’s Ordinance did not allow porta-potties in the most protected ESHA. The Commission has suggested that they be allowed. The County’s Ordinance also banned low impact camping within 100 feet of a creek or stream. The Commission halves streamside buffers to only 50 feet. These suggested modifications should be rejected because they violate both the Superior Court’s decision and the Coastal Act.

#### **1. Reduction of Buffers Protecting ESHA to 50 feet Violates the Coastal Act.**

The Commission’s suggestion to reduce ESHA buffer requirements plainly violates the Court’s ruling. The first version of the County’s LIP provided for a minimum 50-foot buffer between low impact campgrounds and the top bank of all streams or from the outer edge of riparian vegetation. In response to the Court’s ruling, the County doubled the minimum buffer to 100-feet. Compare Attached County LIP with Commission’s Suggested Modification 2, which changes the County’s minimum 100-foot buffer back to the original 50-feet (Sec. 22.44.1920M, 2c).

In addition, the Commission is suggesting that the County allow permanent foundations and plumbing for restrooms in H3 habitat. If low impact camping is permitted in H2 or H2 habitat within 50 feet of the stream, and the ESHA outside the 50-foot perimeter is H3 ESHA, a restroom with a permanent foundation and plumbing

(requiring grading and trenching) could be constructed just beyond 50 feet of riparian ESHA. That scenario sets the stage for the significant disruption of ESHA, in violation of the Court's order and the Coastal Act.

## **2. Failing to Protect All Habitat, Including H3 Habitat, Would Violate the Coastal Act.**

Two of the Commission's suggestions fail to protect H3 habitat areas at all. H3 is recognized as habitat that has been degraded but could be restored in the future. The Coastal Act protects all habitat areas, including degraded habitat. (*Bolsa Chica Land Trust v. Superior Court* (1999) 71 Cal.App.4th 493, 507 [determining that Coastal Act section 30240 protects "the area of an ESHA," not just "habitat values"].) The County took this rule into consideration when it modified the LIP in response to the Court's order. The Commission would have the County undo it in two important areas:

First, Commission staff would allow foundations and plumbing for restrooms outside of H1 and H2, i.e., in H3. (Staff Report, p. 12, LIP 22.44.1920, M, 2, c, ii.) As demonstrated in the preceding section, the construction necessary to install them would significantly damage H3 ESHA, and under certain scenarios, H1 and H2 ESHA as well.

Second, the County's LIP requires water storage tanks for fire suppression and allows 55-gallon potable water containers within the boundaries of an established campsite. Like the County's approach to restroom facilities, these water supplies cannot be permanently affixed to the ground or other permanent structure and cannot contain associated plumbing facilities. The Commission suggests that these limitations should not apply outside of H1 and H2 (Commission Staff Report, p. 12, LIP 22.44.1920, M, 2, c, ii.) These modifications would allow significant disruption of H3 ESHA, also in violation of Public Resources Code Section 30240, and should be rejected.

## **3. Allowing Support Facilities in H1 and H2 Habitat Violates the Coastal Act.**

As modified by the County, the introductory language of Section 22.44.1920.M.2.c.ii stated that the support facilities listed in that subsection could be provided for low-impact campgrounds, consistent with certain standards. (Ord., pp. 4-5.) The Commission suggested the following modification:

ii. Where the following support facilities for ~~low-impact campgrounds~~ ~~may be supported by the following facilities, and if established, are~~ **proposed** in H1 or H2 habitat areas, they must be consistent with the included standards: (Commission Staff Report, p. 12, bold added.)

At first glance, the modification may appear simply grammatical. However, on closer examination, the change is significant. The County did not recommend “proposing” support facilities in H1 and H2 habitat. The County recommended support facilities that could be located outside of those protected areas. The Commission’s suggested modification effectively allows proposals for a long list of support facilities in H1 and H2 habitat areas from the outset of the permitting process. This allowance sets the stage for significant invasions of ESHA.

The Commission’s Staff Report stated that “Suggested Modification No. 1 [LIP, sec. 22.44.630, Definitions] would *restore* the list of potential associated support facilities from the certified low-impact campground definition *that was proposed to be removed* by the County’s amendment.” (Commission Staff Report, p. 3, emphasis added; see, also, p. 29, which suggests that the County removed support facilities.) This descriptions warps what actually occurred. The County did not propose to remove the list of support facilities from the LIP. The County moved the list of support facilities from Section 22.44.630 to Section 22.44.1920 – and Commission staff has left that change in place. However, by permitting them in habitat areas, Commission staff suggests major revisions to the support facilities set forth by the County in Section 22.44.1920. The County should retain its original, ESHA-protective language.

#### **D. The “Over the County” Permit Problem.**

Under the LIP, low impact campgrounds are a permitted use in several zones. In the Rural-Coastal zone, “resource dependent” uses (as defined by sec. 22.44.1920, which includes campgrounds) are permitted along with residences (LIP, sec. 22.44.1750). In the Rural Recreational and Open Space zones (secs. 22.44.1760 and 22.44.1770, respectively), campgrounds are allowed with non-residential uses. Throughout the Santa Monica Mountains, these zones appear next to or near primarily residential zones. As long as a proposed use is allowed in a particular zone, the County may issue an administrative – or “over-the-counter” - coastal development permit (LIP, sec. 22.44.860).

Under the County’s LIP as proposed, over-the-counter permits for the camp sites might have been sufficiently protective because of the rigorous safety requirements imposed on permittees. However, the Commission has suggested that the County weaken those requirements, but at the same time allow over the counter permits. For all the reasons stated herein, the Fund respectfully requests that the County reject all of the Commission’s proposed revisions. However, if the County accepts them – in whole or in part, thereby increasing the fire risk -- the Fund respectfully requests that the County require a type of coastal development permit for these campsites that requires notice and

hearing, so that the permittee's proposals can be fully examined by County decision-makers, and to allow affected members of the public to participate in that public process.

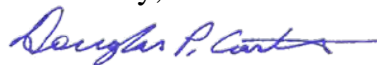
**Conclusion.**

Both public safety and the protection of ESHA in the Santa Monica Mountains, as required by the Coastal Act, the Court's decision, and the County's adopted goals and policies, require retention of the LIP provisions the County originally proposed to comply with the Court's order. The County must prohibit camping on red flag days and require daily campsite inspections. The Commission's modifications allowing restrooms and cooking stations in degraded habitat areas would prevent the future restoration of that habitat. Furthermore, Commission modifications allowing cooking stations of any type in very high fire hazard areas, including H3 habitat, is unsafe and should not be forced upon the County.

The only lawful manner in which to comply with the Coastal Act and the trial court's order is to ensure that no habitat disruption is allowed in ESHA, and resource dependent uses of ESHA is only permitted if they do not disrupt ESHA.

We urge you to reject the modifications suggested by the Commission and instead approve the LUP and LIP amendments as the County approved them, consistent with the Coastal Act and the trial court's order.

Sincerely,



Douglas P. Carstens

Enclosure: Ordinance Amending Title 22- Planning and Zoning of the Los Angeles County Code

**ENCLOSURE**

## ORDINANCE NO.

An ordinance amending Title 22 – Planning and Zoning of the Los Angeles County Code, to incorporate amendments requested by the California Coastal Commission, relating to the Santa Monica Mountains Local Implementation Program.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Section 22.44.630 is hereby amended to read as follows:

**22.44.630 Definitions**

...

-- "Campground, low-impact" means an area of land designed or used for "carry-in, carry-out" tent camping accessed by foot or wheelchair ~~including~~ and may include associated support facilities as defined in Section 22.44.1920(M)(2)(c) ~~such as, where appropriate, picnic areas, potable water, self-contained chemical or composting restrooms, shade trees, water tanks, portable fire suppression apparatus, and fire proof cooking stations, but~~ and excluding any structures for permanent human occupancy and excluding roads. Low-impact campgrounds constitutes a resource-dependent use.

--"Camping, carry-in, carry-out" means camping in which campers arrive at a campground by foot or other non-motor vehicle transportation from associated parking areas, ADA compliant drop-off areas, trails or bikeways, rely upon only that which can be carried to the site, and leave nothing behind at the campground upon departure.

...

**SECTION 2.** Section 22.44.1920 is hereby amended to read as follows:

**22.44.1920 Development Standards.**

...

M. Resource Dependent Uses. Resource-dependent uses are uses that are dependent on SERA to function. Resource-dependent uses include: nature observation, research/education, habitat restoration, interpretive signage, and passive recreation, including horseback riding, low-impact campgrounds, picnic areas, public accessways, and hiking trails, but excluding trails for motor vehicles. Residential or commercial uses are not resource-dependent uses.

1. Resource-dependent uses are allowed in H1 habitat, H2 habitat, and H3 habitat, including H1 habitat buffer and H1 habitat quiet zone buffer, where sited and designed to avoid significant disruption of habitat values, consistent with the following development standards and all other applicable standards of the LIP.

2. Development Standards.

a. Resource-dependent uses shall be sited and designed to avoid significant disruption of habitat values ~~or minimize adverse impacts to~~ in H1 and H2 habitat and to minimize all impacts to other habitat to the maximum extent feasible. The development shall be the minimum design necessary to accommodate the use and avoid significant disruption of habitat value in order to minimize adverse impacts to H1 and H2 habitat;

b. Accessways to and along the shoreline that are located in H1 or H2 habitat shall be sited, designed, and managed to avoid significant disruption of habitat values, including by and/or protecting marine mammal hauling grounds, seabird nesting and roosting sites, sensitive rocky points and intertidal areas, and coastal dunes. Inland public trails shall be located, designed, and maintained to avoid significant disruption of habitat values in ~~or minimize impacts to~~ H1 and H2 habitat, and to protect other coastal resources, by utilizing established trail corridors or other

disturbed areas, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Trails shall be constructed in a manner that minimizes grading and runoff;

c. Low-impact campgrounds shall be located, designed, and maintained to avoid ~~or minimize impacts to~~ significant disruption of habitat values in H1 or and H2 Habitat areas and. Low-impact campgrounds must also minimize impacts to other coastal resources, by utilizing established disturbed areas where feasible, following natural contours to minimize grading, and avoiding naturally vegetated areas with significant native plant species to the maximum extent feasible. Such campgrounds shall be located a minimum of 50-100 feet from the top bank of all streams or from the outer edge of riparian vegetation, whichever is the most protective of biological resources as determined by the staff biologist or the ERB unless those areas are developed and/or disturbed by historic uses (e.g., recreation). Access to low-impact campgrounds shall may be supported by parking areas and designated ADA drop-offs that may be located in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas;

i. Development and Operational Standards. Low-impact campgrounds shall comply with all of the following:

- In addition to the locational criteria above, campsites shall be sited near or along existing or proposed trails or access routes to supporting parking areas.
- Firepits, fires, flammable devices, and smoking shall be prohibited at all low-impact campgrounds.



- Pets shall be prohibited in low-impact campgrounds.
  - Low-impact campground capacity shall be based on site-specific evidence and in no event shall exceed 4 tents and no more than 12 persons.
  - Camping is prohibited during "red-flag" wildfire warning days.
  - Campers are limited to a maximum length of stay of 14 days.
  - Campground management staff shall inspect the low-impact campground at least once per day on days where camping is allowed at the campground. *- Amended at Hearing ... and on red flag days.*
- ii. Low-impact campgrounds may be supported by the following facilities, and if established, consistent with the included standards:
- Parking and Drop-Off Areas. Parking areas and designated ADA drop-offs shall be located in H3 habitat areas, where feasible, but may be established in H2 habitat areas, where it is infeasible to site such facilities in H3 habitat areas. Parking areas and designated ADA drop-offs are prohibited in H1. Trash receptacles may be provided in parking or drop-off areas.
  - Restroom Facilities. Restroom facilities shall be single-stall, self-contained, and of a chemical or composting type. They shall not be permanently affixed to a foundation or the ground and cannot have associated plumbing infrastructure. All waste materials shall be disposed of off-site. All restroom facilities shall be consistent with the height, colors,

and materials required by this LIP. No more than one such facility is allowed per low-impact campground.

- Fencing. All fencing shall be wildlife permeable (see definition in Section 22.44.630). Placement of fencing is limited to the perimeter of the campground or where necessary to protect nearby sensitive habitat.
  - Water Storage. Water storage tanks for use in fire suppression or as an on-site potable water supply shall be located within the boundaries of an established low-impact campground. Said storage tanks shall not be permanently affixed to the ground or other permanent structure, shall be easily moved, and emptied and filled outside of the campsite or H1 habitat areas. Water storage tanks shall be limited to no more than three, 55-gallon containers. There shall be no plumbing infrastructure built or associated with water dispensing facilities.
  - Signage. Informational and interpretative signage that identifies the low-impact campground, directs hikers to nearby trail(s), or identifies local floral/fauna is allowed. The signage must be located within the perimeter of an authorized low-impact campground or along an authorized trail near a low-impact campground. Signs shall not be attached to a permanent foundation.
  - Fire extinguishers or other portable fire suppression equipment may be stored on temporary stands within a low-impact campground.
- iii. All coastal development permits for low-impact campgrounds shall include the following conditions of approval:

- Permittee shall prepare a drainage and runoff pollution control plan for the low-impact campground and associated support facilities. Said plan shall be provided to the Directors of Regional Planning and Public Works for their review and sign off prior to the operation of the low-impact campground.
- Permittee shall prepare a reservation/registration and operations/maintenance plan for the low-impact campground. Said plan shall include, at a minimum, details regarding the reservation system to be used for the campground, a requirement that campers register prior to using campground facilities, a log of each campers contact and travel information, and campground monitoring and maintenance parameters. The camper log shall include the name, phone number, arrival date and departure date (length of stay), and a log of each camper's origin before reaching the campground and their destination upon leaving the campground. The maintenance parameters shall detail the disposal and refilling of potable water storage facilities and the maintenance of on-site restroom facilities. The plan shall be submitted to the Director of Regional Planning for their review and sign off prior to the operation of the low-impact campground.
- Permittee shall prepare an emergency management plan. Said plan shall include, at a minimum, a camper notification system and campground evacuation procedures in the event of an emergency. Said plan shall also include details such as the nearest evacuation shelter and evacuation

route(s). The plan shall be submitted to the Director of Regional Planning for their review and sign off prior to the operation of the low-impact campground.

...